IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4087 OF 2**007**

Wasp Pumps Pvt. Ltd. ..Petitioner.
Vs.
Sitaram Patil and Anr. ..Respondents.

Mr.R.L.Nerlekar, adv. for the Petitioner.

CORAM : J.H.BHATIA, J.
DATE : JULY 4, 2007.

P.C.

1. Mr.Nerlekar the learned counsel for the petitioner makes a statement that as per the order passed by the Assistant Commissioner of Labour and Controlling Authority under The Payment of Gratuity Act 1972, on 20th October, 2004, the petitioner had deposited whole of the amount of Rs.6,15,485/- by cheques. However, due to inadvertence, arrangement was not made for clearance of a cheque of Rs.60,181/-. Remaining cheques were encashed but one cheque was bounced. Only on that ground Appeal (PGA) No. 5 of 2004 came to be dismissed on 3rd February, 2006. The petitioner thereafter filed a review application, which is pending before the Appellate authority. In that review application, the petitioner has contended that the amount of Rs.60,181/- is already deposited and thus, requirement of Section 7(7) of the Payment of Gratuity Act has been fully complied. Meanwhile,

certificate for recovery of amount of Rs.2,00,150/- has been issued by the Assistant Commissioner of Labour towards the interest on the amount. The petitioner contended that this certificate has been wrongly issued in view of the fact that amount has already been deposited.

2. The learned counsel for the petitioner seeks to withdraw the petition with liberty to pursue the review application before the appellate authority. However, he seeks interim stay to the certificate issued by the Assistant Commissioner of Labour till the decision of the review application. He also seeks liberty to file a fresh revision application in case review application is decided against him.

3. In view of the aforesaid circumstances, petition stands disposed off as withdrawn so that the petitioner may pursue the review application filed before the appellate authority. The appellate authority shall consider and dispose off the review application on its own merits as early as possible. The certificate dated 9-4-2007 issued by the Assistant Commissioner of Labour and the Controlling Authority under the Payment of Gratuity Act for recovery of interest shall remain stayed till the decision of the review application. In case, decision on the review application goes against

the petitioner, the stay shall continue for further period of 3 weeks so that the petitioner may challenge the order by appropriate proceedings.

4. Petition stands disposed off.

[J.H.BHATIA, J.]